

REMARKS

By this amendment, claims 1-40 are pending, in which claim 33 is currently amended, and no claim is canceled, withdrawn, or newly presented. No new matter is introduced.

The Office Action mailed August 3, 2005 rejected claims 1, 5-9, 13-17, 21-25, 29-33, and 37-40 as obvious under 35 U.S.C. § 103(a) based on *Cox et al.* (U.S. Patent Application No. 2002/0115431 A1) in view of *Gerszberg et al.*, (U.S. 6,052,439) and claims 2-4, 10-12, 18-20, 26-27, and 34-36 based on *Cox et al.* and *Gerszberg et al.* further in view of *Shah et al.* (US 6,212,506).

Claim 33 has been amended to resolve a discovered informality.

The rejection of all pending claims is respectfully traversed because neither *Cox et al.* nor *Gerszberg et al.* teach or suggest the features of the claims. For example, independent claim 1 recites:

1. (Previously Presented) A method of charging for directory assistance services that are provided over a packet switched network, the method comprising:

transmitting information associated with a plurality of directory listings to a client access device over the packet switched network in response to a query initiated by a customer;

in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device; and

preparing billing information based upon a number of the plurality of listing numbers transmitted to the client access device.

Thus, claim 1 provides that billing information is prepared “based upon a number of the plurality of listing numbers transmitted to the client access device” which were transmitted “in response to a selection of more than one of the directory listings from the client access device.” This feature is not shown in either *Cox et al.* or *Gerszberg et al.*, nor in any combination thereof.

Rather, *Cox et al.* is directed to a “telecommunication technique for providing information assistance services” (Title). Paragraphs 41-47 of the *Cox et al.* application discuss

three different ways it discloses in which a cellular-phone originated call to a directory assistance service is billed. First, the total “air time” in which the caller uses the cellular carrier’s cellular radio system to carry a call may be charged (§ 42). Second, a per-call charge to the directory assistance service may be levied, based on the “number of calls received from the carrier in a particular time period” (§ 43). Third, a toll charge may be imposed if the directory assistance operator originates a connection over a toll route (§ 44), either through use of toll tickets (§ 45) or the digits dialed at the director assistance’s PBX (§ 46). Paragraph 47 then states that responsibility for the billing is placed on the cellular carrier, not on the directory assistance service.

None of the three different ways of billing for directory assistance service disclosed in *Cox et al.*, however, is “based upon a number of the plurality of listing numbers transmitted to the client access device,” as recited in claim 1. To the extent that imposing the toll charge on originating a connection over a toll route may be considered to be selecting a directory entry, *Cox et al.* does not teach or suggest “in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device.”

Furthermore, it is not in the least surprising that *Cox et al.* should fail to disclose the particular billing arrangement recited in claim 1, since the Office Action quite correctly recognized that “Cox fails to teach transmitting information associated with one or more directory listings to a client access device over the packet switched network in response to a query initiated by a customer, wherein the customer selects one or more of the director [*sic*] listings based on the information” (p. 2). The Office Action then asserts (pp. 2-3), “Gerszberg teaches information being sent to a customers [*sic*] device according to the customer query destination number,” citing col. 8: 18-24. The Office action then states, “It would have been

obvious to one skilled in the art at the time of invention to combine the teaches [sic] of Gerszberg with Cox so as to give the user more control of how and what information they are receiving from the service.”

However, the Office Action apparently ignores, at least, “transmitting information associated with a plurality of directory listings to a client access device over the packet switched network in response to a query initiated by a customer; **in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device**” as specifically recited by claim 1. At col. 8: 18-24, *Gerszberg et al.* states:

The search results are sent from the NSP 36 over the SONET 42, through the FMP 32, and then from the FMP 32, over the customer connection 30, to the ISD 22, as shown at 208. The results are displayed on the video phone user interface 130 as text, or the results are provided through the video phone's audio interface, depending upon the mode selected by the user.

Nowhere does *Cox et al.* or *Gerszberg et al.*, or any combination thereof, suggest or disclose “transmitting information associated with a plurality of directory listings to a client access device over the packet switched network in response to a query initiated by a customer; **in response to a selection of more than one of the directory listings from the client access device, transmitting a plurality of listing numbers to the client access device**” as specifically recited by claim 1. Thus, the rejection of claim 1 should be withdrawn.

For reasons similar to those discussed previously with regard to claim 1, the rejection of independent claims 9, 17, 25, and 33 should also be withdrawn.

Dependent claims 5-8, 13-16, 21-24, 29-32 are allowable for at least the same reasons as their respective independent claims, and are separately patentable on their own merits.

With regard to the rejection of dependent claims 2-4, 10-12, 18-20, 26-27, and 34-36, Applicants respectfully submit that the addition of *Shah et al.* does not cure the deficiencies of

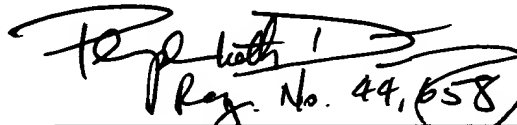
Cox et al. and *Gerszberg et al.* as discussed previously. *Shah et al.*, directed to a per call real time billing display (per title), is cited by the Office Action (p. 5) as supposedly teaching a customer database used to determine rates for calls and routing information and a system and method where information can be delivered via fax or computer. Thus, the rejection of claims 2-4, 10-12, 18-20, 26-27, and 34-36 should also be withdrawn.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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10/31/05
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